

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rule making related to food stands

The Inspections and Appeals Department hereby amends Chapter 30, “Food and Consumer Safety,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 10A.104 and 137F.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 10A.104 and 137F.2 and 2020 Iowa Acts, House File 2238.

Purpose and Summary

These amendments implement changes made to Iowa Code chapter 137F resulting from the enactment of 2020 Iowa Acts, House File 2238. The legislation adds “a stand operated by a minor” to the list of things that are not considered to be a food establishment under the definition of “food establishment,” defines “stand operated by a minor,” and prohibits any regulatory authority from adopting or enforcing a rule requiring a license for a stand operated by a minor.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 4, 2020, as **ARC 5263C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on December 9, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on February 3, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule **481—30.2(10A,137C,137D,137F)**, definition of “Food establishment,” as follows:

“*Food establishment*” means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, nutrition program operated pursuant to Title III-C of the Older Americans Act, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school. Assisted living programs and adult day services are included in the definition of food establishment to the extent required by 481—subrules 69.28(6) and 70.28(6). “Food establishment” does not include the following:

1. to 17. No change.

18. A stand operated by a minor.

ITEM 2. Adopt the following new definition of “Stand operated by a minor” in rule **481—30.2(10A,137C,137D,137F)**:

“*Stand operated by a minor*” means a stand or other facility operated by a person or persons under the age of 18 at which food is sold directly to consumers that is not time/temperature control for safety food or an alcoholic beverage and that operates on a temporary and occasional basis on private property with the permission of the owner of the property.

[Filed 12/9/20, effective 2/3/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/30/20.